

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

ROSARIO MARTI-LON

Defendant

CRIMINAL 04-0045CCC

O R D E R

Before the Court is defendant Rosario Martí-Lon's Corrected Motion for Continued Release Pending Appeal filed on December 18, 2006 (**docket entry 207**), filed subsequent to the Motion for Continued Release Pending Appeal filed on December 16, 2006 (docket entry 204). The United States in its opposition filed on December 18, 2006 (docket entry 208) addresses only the arguments raised in the Corrected Motion. Although defendant has not filed a supplemental motion, and the Court understands that her corrected motion supersedes the earlier motion filed on December 16, 2006, we have examined both motions, nonetheless, in order to determine whether movant has complied with the provisions of 18 U.S.C. §3143(b). We note that the first motion includes arguments such as that she did not have a supervisory role in the offense as attributed to her in the Pre-Sentence Report (PSR) which were decided in her favor upon ruling on her objections to the PSR in the Court's Order of December 12, 2006 (docket entry 199).

The first motion is a repetition of her earlier objections and is based only on sentencing factors. The corrected motion raises certain evidentiary issues and in passing mentions in a one-liner the acquitted conduct/calculation of losses argument set forth in the earlier motion. Defendant has not raised any substantial questions of law or fact likely to result in the reversal of her conviction or a new trial. The Court's ruling on the evidentiary issues are amply supported by case law and the objections to the PSR raised anew in the motion for release

CRIMINAL 04-0045CCC

2

pending appeal do not constitute either a basis for reversal of her conviction or for a new trial. Accordingly, both Motions for Release Pending Appeal (**docket entries 204 & 207**) are DENIED.

SO ORDERED.

At San Juan, Puerto Rico, on December 19, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge